

# **NELSON DECLARATION ATTACHMENT 1**

----- Original Message -----

From: Jeff Corr

Sent: 06/13/2011 06:14 PM EDT

To: Angela Jones; Fred Pyatt

Subject: \*\*\* PRIVACY ACT REQUEST \*\*\*

**\*\*\* PRIVACY ACT REQUEST \*\*\***

Angela / Fred,

In accordance with 5 USC 552a(d)(1) and as required per the description of the system of records for "Treasury .002 Grievance Records - Treasury" as documented in the Federal Register, please provide me with copies of all documents that are or should be in the case file associated with my grievance reporting misconduct on the part of Matt Miller and Anne Young. Kim McCoy, OIT Assistant Commissioner, was initially notified of this grievance on August 24, 2010, an investigation was initiated by staff in your division on or about November 2, 2010, and according to Tracy Walters a report was issued to Kim McCoy in January 2011.

In addition to hard copies of all documents that are or should be in the case file, I ask that you provide searchable (not scanned) electronic files for all documents created using a Public Debt computer or provided in electronic form from any source.

Please include in both the paper and electronic document sets any related documentation held in the BPD Equal Employment Opportunity Office.

I have been denied this documentation three times:

- April 18, 2011 (Tracy Walters, Human Resources Division Branch Manager)
- May 11, 2011 (Angela Jones, Human Resources Division Director)
- May 12, 2011 (Fred Pyatt, Office of Management Services Assistant Commissioner)

In light of the organizational resistance to my request, I ask that you provide a statement signed by you as the manager of the system certifying that the document set provided is complete and that the documents have not been revised, redacted, or modified in any way since the investigation was completed and the report was submitted in January 2011.

Any further refusal or delay will result in a civil action in accordance with 5 USC 552a(g)(1)(B) requesting that the court enjoin you from refusing my request [5 USC 552a(g)(3)(a)] and provide for payment of attorney fees and other litigation costs [5 USC 552a(g)(3)(a)]. **Please let me know if you will not be able to fulfill this request by noon this Friday, June 17.**

If you need anything else from me in order to fulfill this request, please let me know

immediately.

Respectfully,  
Jeff Corr

# **NELSON DECLARATION ATTACHMENT 2**



DEPARTMENT OF THE TREASURY  
BUREAU OF THE PUBLIC DEBT  
PARKERSBURG, WV 26106-5312

June 29, 2011

Jeff Corr  
Bureau of the Public Debt  
200 Third Street, Room 308  
Parkersburg, WV 26101

Dear Mr. Corr:

This is in response to your Privacy Act request dated June 13, 2011, concerning "...records in System of Record Notice Treasury.002 Grievance Records-Treasury". You also requested "...copies of all documents that are or should be in the case file associated with my grievance reporting misconduct on the part of Matt Miller and Anne Young."

Entitlement to records under the Privacy Act, without a Privacy Act waiver, must be for records *created* by the individual or records that are *about* the individual seeking copies of the records. See 5 U.S.C. § 552a(a)(4); see also OMB Guidelines, 40 Fed. Reg. 28,948, 28,951 (July 9, 1975)(noting that the term 'record' means "any item of information *about* an individual..."). Based on these guidelines, a search for the requested records has been completed. These are the findings:

1. Treasury.002 (Grievance Records – Treasury) is a Privacy Act system of records that contains records relating to grievances filed by Treasury employees under part 771 of OPM regulations or a negotiated grievance procedure. To date, you have not filed a grievance under part 771 of OPM regulations, nor a negotiated grievance procedure. Therefore, our search did not locate any responsive records to this portion of your request.
2. You also requested copies of a "case file" and "report" regarding the misconduct of Matt Miller and Anne Young reported by you. A search for records was performed and completed. Our search revealed that an Administrative Inquiry was performed, which include the "report" and "the case file" you spoke of in your request.

The Administrative Inquiry was performed by the Human Resources Division. The Report of Investigation clearly originated and was *created* by Human Resources. The content of the report is *about* the allegation brought forward by you. It is not *about* you. Therefore, you are not entitled to the Report of Investigation under the Privacy Act.

The case file was created by Human Resources as the result of the Administrative Inquiry. Therefore, the contents of the case file are records *created* by Human Resources and are *about* determining the validity of the allegations against Matt Miller and Anne Young.

● Page 2

June 29, 2011

However, we are releasing 2 responsive records (totaling 6 pages) to you because they were *created* by you. The Declaration you provided is being released and the page entitled "Remedies (1-9)" is being released. These records are enclosed. The remaining records in the case file are not releasable to you under the Privacy Act.

Sincerely,

A handwritten signature in black ink that reads "Denise Nelson". The signature is fluid and cursive, with the first name "Denise" and last name "Nelson" clearly distinguishable.

Denise Nelson  
Disclosure Officer

Enclosure

cc: Records and Files

# **NELSON DECLARATION ATTACHMENT 3**

PRIVACY ACT REQUEST – Jeff Corr  
September 13, 2011

Jeff Corr  
162 Macey Lane  
Walker, WV 26180

Angela Jones  
Director, Human Resources Division  
Avery Street Building  
320 Avery Street  
Parkersburg, WV 26101

Angela,

In accordance with 5 USC 552a(d)(1) and as required per the description of the system of records for "Treasury .002 Grievance Records – Treasury" as documented in the Federal Register, please provide me with access to inspect the documents that are or should be in the case file associated with my grievance reporting misconduct on the part of Matt Miller and Anne Young. I initially notified Kim McCoy, OIT Assistant Commissioner, of this grievance on August 24, 2010, an investigation was initiated by staff in your division on or about November 2, 2010, and according to Tracy Walters a report was issued to Kim McCoy in January 2011.

In a letter dated June 29, 2011, in response to a prior request for access to the record, Denise Nelson acknowledges (by definition) that I submitted a grievance, in that she returned to me from the case file my signed statement documenting an allegation of retaliation and my request for personal relief.


From the Dept of the Treasury Human Resources Issuance System, Chapter 771, Transmittal Number TN-68:

Subject: Treasury Grievance System  
Subchapter I. General Provisions

4. *Definitions*

b. *Grievance* means a request by an employee... for *personal relief* in a matter of concern or dissatisfaction relating to the employment of the employee..., including any matter in which an employee *alleges... retaliation* has been practiced against him. (emphasis added)

From Denise Nelson's response dated June 29, 2011:

• Page 2	June 29, 2011
<p>However, we are releasing 2 responsive records (totaling 6 pages) to you because they were created by you. The Declaration you provided is being released and the page entitled "Remedies (1-9)" is being released. These records are enclosed. The remaining records in the case file are not releasable to you under the Privacy Act.</p>	
<p>Sincerely,</p> <p></p> <p>Denise Nelson Disclosure Officer</p>	

In the same memorandum dated June 29, 2011, Denise Nelson acknowledges that an investigation was conducted into my grievance, and that a grievance record exists in the form of a case file.



PRIVACY ACT REQUEST – Jeff Corr  
September 13, 2011

From Denise Nelson's response dated June 29, 2011:

2. You also requested copies of a "case file" and "report" regarding the misconduct of Matt Miller and Anne Young reported by you. A search for records was performed and completed. Our search revealed that an Administrative Inquiry was performed, which include the "report" and "the case file" you spoke of in your request.

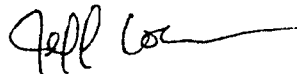
If you refuse my request, please include in your reply notification of my right to file suit in accordance with CFR §1.26(g)(4).

I intend for this request to meet the administrative requirements of an access request in accordance with 31 CFR §1.26(d). If you need anything else from me in order to fulfill this request, please let me know immediately.

The following information is provided to fully meet the access request requirements of the system of records notification for Treasury .002 Grievance Records – Treasury.

Name: Jeff Corr  
DOB: January 26, 1966  
Approximate date of close: January 15, 2011  
Action taken: Unknown  
Organizational Component Involved: Office of Information Technology

Respectfully,



Jeff Corr

# **NELSON DECLARATION ATTACHMENT 4**



**PA response**  
Denise K. Nelson to: Jeff Corr

10/03/2011 03:46 PM

Jeff:

Please see the attached response letter to your most recent Privacy Act request.

Sincerely,  
Denise Nelson  
Disclosure Officer  
Bureau of the Public Debt



Corr response Sept. 2011.pdf



DEPARTMENT OF THE TREASURY  
BUREAU OF THE PUBLIC DEBT  
PARKERSBURG, WV 26106-5312

October 3, 2011

Jeff Corr  
162 Mossy Lane  
Walker, WV 26180

Dear Mr. Corr:

This is in response to your Privacy Act request dated September 13, 2011, concerning "records in System of Record Notice Treasury.002 Grievance Records-Treasury". You requested "access to inspect the documents that are or should be in the case file associated with my grievance reporting misconduct on the part of Matt Miller and Anne Young."

This request is a duplicate of your June 13, 2011 request for the same records.

Given that the substance of your June 13 and September 13 requests are the same, our determination regarding your June 13 request applies to your September 13 request. This is a partial denial of your request.

To the extent the request has been denied, judicial review is now available in accordance with 5 U.S.C. § 552a(g)(1)(B) in the United States District Court for the judicial district in which you reside or have your principal place of business, the judicial district in which the records are situated, or the District of Columbia.

Sincerely,

A handwritten signature in cursive script that reads "Denise Nelson".

Denise Nelson  
Disclosure Officer

cc: Records and Files